

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

2007 MAY 16 PM 4:44

DENISE NIPPER, Individually
and as Next Friend of
MADISUN NIPPER,

Plaintiff,

vs.

Case No. CV502-109

CALICO BRANDS, INC.,

Defendant/Third-
Party Plaintiff,

vs.

NINGBO GREATWALL ELECTRONIC
CORPORATION,

Third-Party
Defendant.

CLERK *McSaw*
SO. DIST. OF GA.

O R D E R

Before the Court is Plaintiff Denise Nipper's Petition to Approve Settlement in this products liability case. On October 2, 2002, Plaintiff's daughter - Madisun Nipper, 4 years old at the time - was badly burned when she was playing with a Calico brand lighter. The Plaintiff also suffered burns to her hands and left foot while attempting to put out the fire.

Pursuant to Local Rule 17.1, the Court must approve the settlement because a minor is a party to this action. On March 29, 2007, this Court issued an Order requesting more detailed information from Plaintiff regarding the breakdown of the overall proposed settlement and the accounting of expenses. Plaintiff has since complied with the Court's Order and has provided sufficient information for this Court to rule on the present motion.

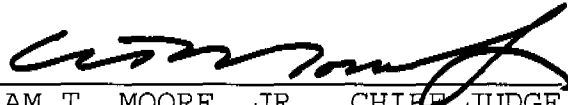
The proposed settlement includes a total amount of \$850,000.00, attorney fees of one-third (\$283,333.33), and expenses of \$88,936.75. Plaintiff asks (1) that the Court create a special needs trust for the benefit of the minor child; (2) that outstanding medical expenses be paid from the settlement proceeds; (3) that the Court approve payment to Plaintiff, Denise Nipper, in the amount of \$10,000 for her individual damage claims, and \$10,000 to the child's father and natural guardian for his claim of loss of services and medical expenses. With regard to the specific amounts allocated to Madisun Nipper, Plaintiff proposes (1) to make a lump sum payment of \$228,585.21 to Ann Herrera as Trustee of the Madisun Nipper Special Needs Trust, and (2) to purchase an annuity for \$175,000.00 that would pay monies into the trust between the years 2011 and 2028.

After careful consideration, the Court finds that the proposed settlement agreement is fair and reasonable, is made in good faith, and will be in the best interest of the minor child. Accordingly, the Court hereby **GRANTS** Plaintiff's Petition and **APPROVES** the proposed settlement.

The Court recognizes, however, that some of the amounts listed in the proposed Settlement Distribution Report are estimates. This is because counsel are attempting to negotiate a reduction in the Medicaid Lien Settlements, and because counsel are withholding \$1000.00 to cover additional future expenses. Accordingly, counsel for the Plaintiff are **DIRECTED** to send this Court a signed copy of

the final settlement disbursement statement after these amounts have been finalized and distributed.

SO ORDERED this 16th day of May, 2007.

A handwritten signature in black ink, appearing to read 'William T. Moore, Jr.', is written over a horizontal line.

WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA